REMARKS

In the Office Action dated August 17, 2007 and the Advisory Action dated October 31, 2007, claims 1-12, 14, 16-19, and 21-23 were presented for examination. The objection to claim 14 has been removed, and the rejection of claims 1-12, 14, 16-19, and 21-23 stand rejected under 35 U.S.C. §103(a).

I.   Rejection Under 35 U.S.C. §103(a)

In the Office Action dated August 17, 2007, the Examiner assigned to the application rejected claims 1-12, 14, 16-19, and 21-23 under 35 U.S.C. §102(b) as being anticipated by *Short et al.*, U.S. Patent No. 6,178,529, in view of *Szabo et al.*, U.S. Patent No. 7,065,746.

Applicant's remarks to *Short et al.* and *Szabo et al.* in the prior Office Action Response are hereby incorporated by reference.

As noted by the Examiner, *Short et al.* is employed to teach validation control between cluster software and a digitally linked library. "The startup function allows cluster software to pass into the DLL the version of the cluster software, and receive back from the DLL the version of the resource DLL." Col. 9, lines 15-18. *Short et al.* refers to the above-process as version control. It is a one level validation procedure between the cluster software and the DLL, wherein either the DLL or the cluster software can refuse to operate with the version provided.

However, as reflected in Applicant's amended claims 1, 8, and 14, Applicant employs two separate elements between the new cluster member and the shared storage to test validation. A first test employs the disk header record of a shared resource, and a second test employs the version control record of the shared resource. The disk header record and the version control record are two separate elements associated with the shared resource. The disk header record is employed to determine compatibility with a server node. In contrast, the version control record is employed to determine compatibility of a server node with data structures within the shared resource. The disk header and the version control record are separate elements pertaining to the

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shared resource, and they are employed separately to determine compatibility with a server node.

It is Applicant's position that neither *Short et al.* nor *Szabo et al.* teach all of the elements of Applicant's pending claims, and specifically, claims 1, 8, and 14 based upon the amendments to the claims presented herein. The validation process of *Short et al.* does not employ a disk header record. Similarly, *Szabo et al.* does not teach use of a disk header record in the structure thereof. With respect to the validation process as allegedly taught in *Short et al.*, the validation process between the cluster software and the DLL in *Short et al.* is one level process and does employ the two level process as claimed by Applicant. More specifically, *Short et al.* does not teach separately employing a disk header record of shared storage and the version control record of the shared storage to validate software compatibility of a cluster member.

There is no teaching in *Short et al.* or *Szabo et al.* to provide all of the elements of the claims as amended. It is the standard in the law that, to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations."[1] Because *Short et al.* and *Szabo et al.* individually or in combination do not teach the elements of claims 1, 8, and 14, in their entirety, it is Applicant's position that the prior art rejection should be removed. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of claims 1-12, 14, 16-19, and 21-23 under 35 U.S.C. §103(a) and direct allowance thereof.

II.   Conclusion

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. No new subject matter has been added to the application with the amendment to the claims presented herewith. Furthermore, Applicant is not conceding in this application that the claims are not patentable over the art cited by the Examiner, as the present amendments are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant

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[1] MPEP §2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

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respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Accordingly, Applicant respectfully requests that the Examiner indicate allowability of claims 1-12, 14, 16-19, and 21-23, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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